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12 **UNITED STATES DISTRICT COURT**
13
14 **DISTRICT OF NEVADA**

15 SECURITIES AND EXCHANGE COMMISSION,
16 Plaintiff,
17 v.
18 MICHAEL V. SHUSTEK and VESTIN
MORTGAGE, LLC,
19 Defendants.
20

Case No.: 2:21-cv-01416-JCM-BNW

**FIFTH JOINT STIPULATION TO STAY
DISCOVERY AND CONTINUE STATUS
CONFERENCE AND [PROPOSED] ORDER**

1 Plaintiff Securities and Exchange Commission (“SEC” or “Commission”) and Defendants
 2 Michael V. Shustek and Vestin Mortgage, LLC (collectively, the “Parties”) hereby stipulate and
 3 agree as follows:

4 WHEREAS, on May 5, 2023, the Court held a continued settlement conference in which the
 5 Parties informed the Court that they have reached an agreement in principle on the terms of a
 6 settlement. The parties stated that they need additional time to finalize the settlement agreement.
 7 The Court ordered that the settlement conference be reconvened on September 7, at 1:00 p.m., if the
 8 parties had not settled the matter by then.

9 WHEREAS, on May 10, 2023, the Court signed the parties’ Fourth Joint Stipulation to Stay
 10 Discovery (ECF No. 57) which also vacated all pending discovery and pretrial dates.

11 WHEREAS, the Parties have worked diligently towards finalizing documentation for a
 12 potential settlement.

13 WHEREAS, any potential settlement requires ultimate consideration and approval by the
 14 members of the Commission. The SEC, as a public agency, follows a formal process for
 15 consideration of such offers, which has commenced and SEC counsel anticipates should be
 16 completed within ninety days. If concluded sooner, the parties will ensure the Court is immediately
 17 informed. If approved by the Commission, the settlement would require approval by the Court.

18 NOW THEREFORE, the parties hereby stipulate and agree that the Court should:
 19 (1) continue the stay of discovery and (2) continue the status conference to December 6, 7, or 8,
 20 2023, if the parties have not presented to the Court a settlement for the Court’s consideration before
 21 then.

22 Dated: August 23, 2023

Respectfully submitted,

23 By /s/ John K. Han

24 Sheila E. O’Callaghan

25 John K. Han

Ruth L. Hawley

26 Attorneys for Plaintiff

SECURITIES AND EXCHANGE COMMISSION

1 Dated: August 23, 2023

Respectfully submitted,

2 By /s/ Manuel A. Abascal (/jkh with permission)

3 Manuel A. Abascal

4 LATHAM & WATKINS LLP

5 Mark A. Hutchison

HUTCHISON & STEFFEN

Attorneys for Defendants

6 Michael V. Shustek and Vestin Mortgage LLC

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8 **ORDER**

IT IS ORDERED that ECF No. 58 is GRANTED.

9 IT IS FURTHER ORDERED that the continued Settlement
10 Conference set for September 7, 2023 is VACATED.

11 IT IS FURTHER ORDERED that a Status Conference is set for
12 December 6, 2023 at 10:00 a.m. in LV Courtroom 3B. If parties wish
13 to appear remotely, they are kindly directed to contact courtroom
14 administrator Jeff Miller at jeff_miller@nvd.uscourts.gov no later than
15 noon on the day before the conference.

IT IS SO ORDERED

DATED: 8:16 pm, August 24, 2023

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BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE